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**ATTORNEYS FOR DEFENDANT
BNSF RAILWAY COMPANY**

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

JACKSON WELLS, as Personal
Representative for the Estate of
THOMAS E. WELLS, deceased;
and JUDITH HEMPHILL, as
Personal Representative for the
Estate of JOYCE H. WALDER,
deceased,

Plaintiffs,

vs.

BNSF RAILWAY COMPANY, a
Delaware corporation; ROBINSON
INSULATION COMPANY, a
Montana Corporation for profit;
GROGAN ROBINSON LUMBER
COMPANY, a Montana
Corporation for profit; and DOES
A-Z,

Defendants.

Case No.: 4:21-cv-00097-BMM

**DEFENDANT BNSF
RAILWAY COMPANY'S
THIRD SUPPLEMENTAL
PROPOSED
SUPPLEMENTAL JURY
INSTRUCTIONS**

Based on Plaintiffs' designations from John Swing's deposition, Defendant tenders the following supplemental instruction:

Court's Instr. #	Def. Instr. #		Comments (Attorneys' and Court's)
	101	W O G R	Punitive Damages Conduct

Instruction No. ____

In determining the proper amount of punitive damages, you are only to consider the conduct of the Great Northern Railroad and Burlington Northern in the 1950s, 1960s and 1970s.